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URBAN/MUNICIPAL

Proposed amendment  
no. 17 to the Region  
of Hamilton-Wentworth  
official plan







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GOVERNMENT DOCUMENTS

PROPOSED AMENDMENT NO. 17

TO

THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN

HAMILTON-WENTWORTH PLANNING AREA

25 - 0P 0056 - 017 - 16

October 22, 1985



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ADOPTING BY-LAW OF  
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

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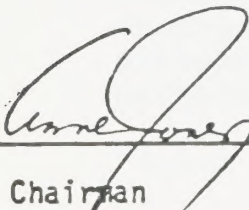


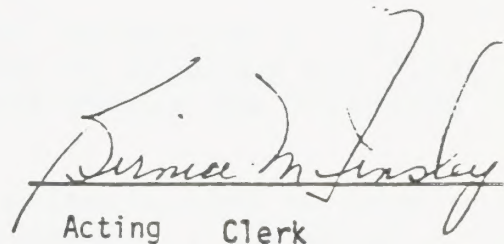
PART 1 THE CERTIFICATION

AMENDMENT NO. 17

TO THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN  
THE HAMILTON-WENTWORTH PLANNING AREA

Amendment No. 17 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area, constituting the explanatory text and schedule was prepared by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth and adopted by Regional Council by By-law No. R85-123 in accordance with Section 17 of The Planning Act, S.O. 1983, Ch.1, on the 5th day of November 1985.

  
Chairman

  
Acting Clerk

MEMORANDUM FOR THE

TO THE DIRECTOR

FROM THE CHIEF OF BUREAU OF RESEARCH

DATE: 10/10/50

The following information was obtained from the report of the Chief of Bureau of Research, dated 10/10/50, and is being furnished to you for your information. The information was obtained from the report of the Chief of Bureau of Research, dated 10/10/50, and is being furnished to you for your information. The information was obtained from the report of the Chief of Bureau of Research, dated 10/10/50, and is being furnished to you for your information.



Amendment No. 17  
to the  
Official Plan  
for the  
Hamilton-Wentworth Planning Area

Amendment No. 17 to the Official Plan for the Hamilton-Wentworth Planning Area, which has been adopted by the Council of the Regional Municipality of Hamilton-Wentworth, is hereby modified in accordance with the provisions of Sections 17 and 21 of the Planning Act, 1983, as follows:

1. Section 3 - General Policies, subsection 3.1, item 3.1.1 on page 4, is hereby modified by amending it to read as follows:
  - a. "3.1.1 That all proposals for development in the Rural Policy Area shall meet the requirements of the Area Municipal Official Plan and the relevant policies of the Regional Official Plan and the Niagara Escarpment Plan."
2. Section 3 - General Policies, subsection 3.1.3 on page 4, is hereby modified by deleting the first paragraph in its entirety and adding the following paragraph:

"3.1.3 That the following criteria will be used as a guide for development in the Rural Policy Areas and in addition to these criteria, all residential development and farm operations shall comply with the Agricultural Code of Practice:"

and by deleting 3.1.3(f) in its entirety.

3. Section 3 - General Policies, subsection 3.1, item 3.1.5 on page 5, is hereby modified by amending it to read as follows:

"3.1.5 To consider in the Rural Policy Area, including Agricultural and Specialty Crop Areas, low intensity, passive-type recreational uses such as outdoor parks, which are compatible with agriculture, leave the land in large parcels suitable for commercial farming, only require small-scale,





7. Section 3 - Rural Residential Estate Development, subsection 3.3.2, item 3.3.2.1 on page 11, is hereby modified by amending it to read as follows:

"3.3.2.1 That Rural Residential Estate Development may only be considered in those areas which are appropriately designated in the respective Area Municipal Official Plan but shall not be permitted in the Niagara Escarpment Natural and Niagara Escarpment Protection Areas of the Niagara Escarpment Plan identified on Map 9."

8. Section 3 - Rural Residential Estate Development, subsection 3.3.2, item 3.3.2.9(d), is hereby modified by deleting the phrase "active pit and quarry operations" in line six and replacing it with "legally existing pits and quarries" in the same line.
9. Section 3 - Rural Economic Development, subsection 3.4.1, item 3.4.1.2 on page 14, is hereby modified by deleting the second sentence and replacing it as follows:

"Such uses shall not be permitted to locate within the Niagara Escarpment Natural, and Protection Areas and shall be directed away from agricultural land and, where practical, shall be directed to locate within designated rural settlements or in designated Rural Industrial-Business Parks in accordance with Section 3.4.2."

10. Section 3 - Rural Industrial - Business Parks, subsection 3.4.2, item 3.4.1.2 on page 15, is hereby modified by deleting the numbers "3.4.1.2" and replacing them with the numbers "3.4.2.1".
11. Section 3 - Rural Policy Areas is hereby modified by adding the following new sub-section entitled "3.5 Escarpment Natural, Protection and Rural Areas:"

"3.5.1 Subject to policies 3.1.1 to 3.1.4 inclusive, only the following uses are permitted on lands designated as Escarpment Natural Area on Map 9:

- a) Existing agricultural operations;





- b) Single-family dwellings on lots that meet the requirements of the Regional Department of Health Services and created prior to approval of the Niagara Escarpment Plan or created in accordance with Policy 6.3.1;
- c) Non-intensive recreation use such as nature viewing and trail activities;
- d) Forest, wildlife and fisheries management activities;
- e) Archaeological activities;
- f) Essential transportation and utility facilities;
- g) Uses permitted in approved park plans; and;
- h) Essential watershed management, flood and erosion control projects carried out and supervised by a public authority.

3.5.2 Subject to policies 3.1.1 to 3.1.4 inclusive, and policy 3.5.1, only the following uses are permitted on lands designated as Escarpment Protection Area on Map 9:

- a) Dwelling(s) accessory to an agricultural operation in accordance with Policy 6.2.2.4;
- b) Low intensity, passive-type recreational uses and small scale institutional use in accordance with Policy 3.1.5;
- c) Veterinary clinics; and
- d) Wayside pits or wayside quarries for municipal road construction purposes, subject to the Pits and Quarries Control Act and in accordance with Policy 3.2.2.8.

3.5.3 Subject to policies 3.1.1 to 3.1.4 inclusive, 3.5.1 and 3.5.2, only the following uses are permitted on lands designated as Escarpment Rural Area on Map 9:

- a) Agricultural Operations;





- b) Animal kennels in conjunction with a single family dwelling;
  - c) Wayside pits or wayside quarries for municipal or provincial road construction purposes, subject to the Pits and Quarries Control Act and in accordance with Policy 3.2.2.8;
  - d) Small-scale commercial and industrial uses in accordance with sections 3.4.1.2 and 3.4.1.4; and
  - e) Rural residential estate development in accordance with section 3.3.2."
12. Section 6 - Land Severances, General Policies, subsection 6.1.2 on page 16, is hereby modified by amending it to read as follows:
- "6.1.2 Extensions to linear or ribbon development along roadways shall be prohibited. Exceptions may be considered where an extension will be minor in nature (creating no more than two lots) and not take agricultural land out of production and is limited by man-made or natural physical constraints such as, but not limited to, major roads and watercourse valleys, which physically separate the land from the surrounding agricultural area."
13. Section 6 - Land Severances, Rural Policy Areas, subsection 6.2, item 6.2.1.4 on page 19, is hereby modified by amending it to read as follows:
- "6.2.1.4 No portion of a dwelling or tile bed on a lot to be created is permitted within a distance of 60 metres (approximately 200 ft.) from any stream, natural watercourse or pond, nor from any wetland which is located in the Niagara Escarpment Plan Area, or 15 metres (approximately 50 ft.) from a Regional Floodline, whichever is the greater distance. Alternatively, an appropriate distance may be established by the appropriate conservation authority, and the Regional Health Services Department."





14. Section 6 - Land Severances, Rural Policy Areas, subsection 6.2, item 6.2.2.4 on page 19, is hereby modified by deleting the words "zoning regulations" on line three and replacing them with the words "land use regulation" in the same line.
15. Section 6 - Land Severances, items 6.2.2.7 through 6.2.2.14 are hereby modified by renumbering items 6.2.2.7 as 6.2.2.8; 6.2.2.8 as 6.2.2.9; 6.2.2.9 as 6.2.2.10; and so on to 6.2.2.13 and that all cross references throughout the text reflect this renumbering.
16. Section 6 - Land Severances, is hereby modified by inserting the following policy as item 6.2.2.7:  
  
"6.2.2.7 Consents for residential purposes in the Agricultural and Specialty Crop Areas shall be considered only in accordance with policies 6.2.2.8 to 6.2.2.10 inclusive and 6.2.2.12 and 6.2.2.13."
17. Section 6 - Land Severances, item 6.2.2.8(a) (formerly 6.2.2.7(a)) on page 20, is hereby modified by adding the word "and" at the end of subsection (a).
18. Section 6 - Land Severance, subsection 6.3 on page 23, is hereby modified by renumbering it as subsection 6.4.
19. Section 6 - Land Severance, is hereby modified by adding the following new section entitled "6.3 Escarpment Natural, Protection and Rural Areas" which reads as follows:  
  
"6.3.1 Within the Escarpment Natural, Protection, and Rural Area as identified on Map 9, only the following types of consents may be considered in accordance with the Policies of sections 6.1 and 6.2.1, and Policies 3.1.6 and 6.2.2.1 to 6.2.2.6 inclusive.
  - a) The correction of previous conveyances, enlargement of existing lots, or creation of new lots through acquisition by a public body;
  - b) Re-creation of original lots along original Township lot survey lines, or creation of



40 hectare (100 acres) lots along half-lot lines where the original Township lot is 80 hectares (200 acres);

- c) A lot for a farmer retiring from active farming life in accordance with Policies 6.2.2.8 and 6.2.2.9(a).

6.3.2 Within the Escarpment Rural Area, consents may be considered in accordance with the policies of sections 6.1 and 6.2.1, and Policies 3.1.6, and 6.2.2.1 to 6.2.2.13 inclusive."

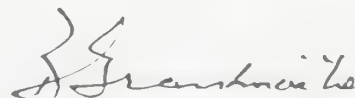
20. Map No. 8 entitled "Agricultural Lands" is hereby deleted and hereby replaced with a new Map No. 8 entitled Agricultural Lands which shows the outer boundaries of the Niagara Escarpment Plan area in the Rural Policy Areas.
21. Map No. 9 entitled "Niagara Escarpment Plan Areas in the Rural Policy Areas of Hamilton-Wentworth" is hereby added.

As thus modified, this amendment is hereby approved as Amendment No. 17 to the Official Plan for the Hamilton-Wentworth Planning Area, save and except the following which will be deferred for further consideration, pursuant to Section 17(10) of the Planning Act, 1983:

1. Section 3 - Mineral Resources Areas, subsection 3.2.2, item 3.2.2.8 on page 8.
2. Section 3 - Mineral Resources Areas, subsection 3.2.2, item 3.2.2.10 on page 8.
3. Section 3 - Rural Residential Estate Development, subsection 3.3.2, item 3.3.2.4 on page 11, the second paragraph, in its entirety.
4. Section 6 - Rural Area Policies, subsection 6.2.2, item 6.2.2.8(a) on page 20, renumbered 6.2.2.9(a) by the modifications above.
5. Section 6, Rural Area Policies, subsection 6.2.2, item 6.2.2.13 on page 22, renumbered 6.2.2.14 by the modifications above.

Date

Dec 9 - 86

  
Minister of Municipal Affairs





PART II - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

Amendment No. 17

to the Region of Hamilton-Wentworth Official Plan

Hamilton-Wentworth Planning Area

2. COMPONENTS OF THIS AMENDMENT

Only that part of this document entitled "Part III - The Amendment" constitutes Amendment No. 17 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

3. Purpose of this Amendment

To implement various revisions to the Hamilton-Wentworth Official Plan resulting from a review of the Plan's Rural Policies.

4. Location of the Amendment

This Amendment represents text and map changes to the Hamilton-Wentworth Official Plan affecting the entire Rural Area within the Hamilton-Wentworth Planning Area.

5. Basis of the Amendment

Policies of the Hamilton-Wentworth Official Plan have now been in place for approximately five (5) years. Through implementation of the Rural Policies of the Plan deficiencies have been identified which require resolution. Minor revisions are required to improve the format and to provide additional clarity to the meaning or intent of some policies. In other cases revision to Provincial guidelines (Aggregate Resource Policy and Foodland guidelines) has necessitated revision to the Plan policy.





In addition legitimate concern has been raised respecting the specifics of certain existing policies including such matters as:

- o The necessity for a clear and expanded definition of Agricultural and Specialty Crop Areas.
- o The necessity for provision for minor scale development in Rural Settlement Areas prior to the approval of secondary plans.
- o The desirability in certain cases of a reduction in the minimum residential lot requirements outside rural settlements.
- o The practicality of a reduction in the minimum farm size requirements for severance qualification purposes under special circumstances.

The resolution of these concerns and issues will require revision to existing policy. Yet, in light of the prevailing Regional and Provincial objectives and the existing circumstances within the rural areas, the majority of the Rural Policies of the Plan remain relevant, valid and warranted.



## PART III - THE AMENDMENT

### 1. INTRODUCTION

The whole of this part of the document entitled 'Part III' - The Amendment' which consists of the following text constitutes Amendment No. 17 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

### 2. DETAILS OF THE AMENDMENT

The Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area is amended as follows:

#### ITEM NO. 1 - SECTION 3 - RURAL POLICY AREAS

Replace Section 3 with the following including introduction of Map #8 "Agricultural Lands".

### 3 RURAL POLICY AREAS

Rural Policy Areas, which include Rural Settlements, are shown on Map No. 1.

#### OBJECTIVES

- o To provide an orderly and efficient pattern of land use which promotes a healthy agricultural economy while minimizing the impact on the rural environment and the need for Regional physical services.
- o To direct rural residential development to existing and future rural settlements and to minimize impact on agricultural lands.
- o To provide maximum protection to natural resources and to preserve the rural character of the area.
- o To reinforce the historical relationship between rural settlements and the surrounding farm community to which these provide basic services.
- o To provide a place for retirement for the rural population as well as an alternative living style to large urban places.





## 3.1 GENERAL POLICIES

It is the policy of Council that:

MODIFICATION

NO. 1  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

3.1.1

That all proposals for development in the Rural Policy area shall meet the requirements of the Area Municipal Official Plan and the relevant policies of the Regional Official Plan.

3.1.2

That Area Municipal Official Plans and implementing secondary plans shall designate and define non-agricultural uses within the Rural Policy Area and include appropriate policies for such uses.

MODIFICATION

NO. 2  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

3.1.3

That the following criteria will be used as a guide for development in the Rural Policy Areas:

- (a) The capability of soils and strata for safe long term use of private sewage disposal systems;
- (b) Suitable ground water supply as determined through hydrological and soil studies prepared in accordance with the terms of reference of the Region;
- (c) The logical extension and/or infilling of existing development;
- (d) Directing development to lands of lesser agricultural capability and/or away from viable farm operations;
- (e) Directing development to Rural Settlements and Urban Areas where practical; and,
- (f) The application of the agricultural code of practice regarding residential development and farm operations.

MODIFICATION

NO. 2  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

3.1.4

In considering the appropriateness of non-agricultural uses and designations, regard shall be given to the following:

- (a) The necessity of the proposed use to serve the needs of the rural community;
- (b) The availability of alternate suitable locations within the Urban Policy Area and Rural Settlements, and the appropriateness of the proposed use to the Rural Policy Area;
- (c) The suitability of the site for the proposed use and its compatibility with the existing and proposed adjacent uses;





- (d) The cost of provision of necessary services; and,
- (e) The cumulative long term impact of the proposed development on the natural capability of the land to provide a potable source of water and to safely accommodate the disposal of sanitary sewage.

3.1.5

To consider low intensity passive type recreational and related uses, and small scale (maximum of 2 Ha.) institutional uses such as schools and churches in the Rural Policy Area including Agricultural and Specialty Crop Areas, if appropriately designated in the Area Municipal Official Plan. Such uses shall be directed to lands less suited to agriculture and to locations where their negative impact on surrounding uses will be minimized.

MODIFICATION

NO. 3  
 UNDER SECTION 17(9) OF  
 THE PLANNING ACT, 1983

3.1.6

To prevent the unnecessary division of viable farm operations and to protect from unnecessary development, lands on which there are or could be established viable farming operations.

3.1.7

Notwithstanding the provisions of Sections 3 and 6 of this Plan, four (4) single-family detached homes may be established on four (4) separate lots on a 4.5-hectare (11.1-acre) site located to the north and adjacent to the H.E.P.C. easement, on the west side of Shaver Road, north of Highway No. 2, being part of Lot 36, Concession III in the Town of Ancaster.

### 3.2 RURAL RESOURCE AREAS

#### 3.2.1 AGRICULTURE AND SPECIALTY CROP AREAS

Agriculture and Specialty Crop areas are defined as lands where agricultural soil Classes 1 to 4 inclusive of the Canada Land Inventory predominate, as specified on Map #8, or where soils and/or climate can support the production of specialty type crops. Generally within agricultural and specialty crop areas pockets of land that are not suitable for agricultural use due to poor soil conditions, slopes, wetness, forest cover, or other limitations shall be considered part of and be governed by agricultural and specialty crop areas policies.



## OBJECTIVES

- o To preserve high capability agricultural lands and specialty crop areas for food production and as a basis for the rural community and the rural way of life.
- o To encourage the continuation of existing farming operations and the establishment of new viable farms.

## POLICIES

It is the policy of Council:

- 3.2.1.1 That the predominant use of land in the agricultural and specialty crop areas shall be farming, with the exception of uses permitted in Policy 5.1.3 for Lakeshore Policy Area "A".
- 3.2.1.2 To direct non-farm development toward Rural Settlement Areas, Industrial Business Parks, Rural Residential Estates and Rural Mobile Home Developments, or Urban Areas.
- 3.2.1.3 To require Area Municipalities, in consultation with the Region and other relevant agencies, to designate in detail and provide appropriate policies for prime agricultural areas in their Official Plans.
- 3.2.1.4 To discourage the unnecessary removal of top soil from prime agricultural lands and to encourage Area Municipalities to enact appropriate By-laws under the provisions of the Top soil Preservation Act to regulate the removal of top soil.

## 3.2.2 MINERAL RESOURCE AREAS

Mineral Resource Areas are identified on Map No. 2. The designations on this map are general in nature and may be refined without amendment to the Regional Official Plan in Area Municipal Official Plans after appropriate study detailing the precise boundaries and locations of the specific gravel, sand and stone aggregate resource areas.





## OBJECTIVE

- o To protect mineral aggregate resource areas for present and future extractive purposes.

## POLICIES

It is the policy of Council:

- 3.2.2.1 To protect Mineral Resource Areas from land uses which are incompatible with extraction.
- 3.2.2.2 To permit, in conjunction with mineral extraction, associated uses such as:

- (a) Aggregate storing
- (b) Crushing and screening of aggregate
- (c) Concrete mix manufacturing
- (d) Asphalt mix manufacturing

## MODIFICATION

NO. 4  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

if permitted by an implementing zoning by-law.

- 3.2.2.3 To consider other uses in accordance with policies of this Plan within mineral resource areas provided that:

- (a) Existing or future extraction will not be totally precluded or significantly hindered; and/or
- (b) The proposed use serves a greater public long term intent than does aggregate extraction; and/or
- (c) Extraction is not feasible.

If a mineral extractive operation is permitted on prime agricultural lands or in Specialty Crop Areas, rehabilitation of the lands to the same acreage and average soil capability for agriculture as existed before the extraction commenced shall be required, unless a new use other than Agriculture is established in accordance with Policy 3.2.2.6.



MODIFICATION  
NO. 5  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1993

- 3.2.2.4 To require Area Municipalities to indicate prime mineral aggregate resource areas for extractive purposes in their Official Plans, and to include policies for the location, operation and rehabilitation of pits and quarries within these mineral aggregate resource areas.
- 3.2.2.5 To encourage Area Municipalities to pass by-laws to regulate the establishment and operation of extractive operations.
- 3.2.2.6 That, upon the cancellation of the license of an extractive operation and when the rehabilitation of the extractive site has been completed to the satisfaction of the Regional Municipality, Area Municipalities and the Ministry of Natural Resources, consideration will be given to change the designation to a new land use which shall conform to Regional and Area Municipal policies.

DEFERRED # 1  
UNDER SECTION 17(10)  
OF THE PLANNING ACT

- 3.2.2.7 To comment on any application for issuance of a license for a proposed pit or quarry operation.
- 3.2.2.8 Temporary wayside quarries and pits, for the construction and maintenance of public roads, may be permitted if in compliance with the Area Municipal Official Plan.
- 3.2.2.9 To monitor each mineral resource extraction operation within the Region for the purpose of analyzing its effect on:
  - (a) The environment
  - (b) Transportation and road facilities
  - (c) Rehabilitation activities

DEFERRED # 2  
UNDER SECTION 17(10)  
OF THE PLANNING ACT

- 3.2.2.10 Proposals to establish new or expand existing extractive operations must include provisions to minimize negative impacts on surrounding areas. Where such operations abut an environmentally sensitive area, a buffer shall be required which is satisfactory to the appropriate public authorities.





### 3.3 RURAL RESIDENTIAL DEVELOPMENT

#### 3.3.1 RURAL SETTLEMENTS

It is the policy of Council:

- 3.3.1.1 To recognize the following Rural Settlements as being the areas in the rural parts of the Region to which rural development will be directed in the future:

FLAMBOROUGH - Beverly Hills, Carlisle, Copetown, Flamborough Centre, Freilton, Greensville, Harper's Corners, Kirkwall, Lynden, Millgrove, Orkney, Rockton, Sheffield, Strabane, Troy and Westover.

ANCASTER - Copetown and Jerseyville.

GLANBROOK - Woodburn and Mount Hope.

MODIFICATION

NO. 6  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

- 3.3.1.2 To require that Area Municipalities incorporate in their respective Official Plans, policies providing for detailed secondary planning for each of the designated Rural Settlements including the location, rate and direction of growth and physical and geographic limits of planned development as well as the size and location of lots to be created in each of the designated rural settlements.
- 3.3.1.3 That secondary plans shall be required for all designated Rural Settlements and that these secondary plans shall be subject to the review and endorsement of Regional Council.
- 3.3.1.4 That development within Rural Settlements shall be required to conform to a secondary plan, consistent with the provisions of this Plan, and adopted by amendment to the Area Municipal Official Plan. Development of a limited nature may be considered in advance of preparation and approval of a secondary plan provided that such development:



- (a) is of an infilling nature, or will not result in extension to the built up portion of the Rural Settlement;
- (b) is of similar scale and complements existing surrounding development;
- (c) will not preclude the possible future development of interior lands;
- (d) will not result in new demand for, or significant addition to existing municipal services;
- (e) can satisfactorily be serviced by a private individual sewage disposal and water supply system, in accordance with policies of this Plan or approved recommendations of a Settlement Capability Study; and,
- (f) will not prejudice the preparation of a secondary plan by limiting consideration of land use options.

3.3.1.5 That development within Rural Settlements shall generally occur by means of plans of subdivision. Limited development by way of consent for severance may be permitted if in conformity with the adopted secondary plan for the Rural Settlement and if located so as not to interfere with future development. Consents on a limited basis may be considered in advance of preparation and approval of a secondary plan providing such consents meet the appropriate criteria specified in Policy 3.3.1.4 and the policies of Section 6 "Land Severance" of this Plan.





### 3.3.2 RURAL RESIDENTIAL ESTATE DEVELOPMENT

#### OBJECTIVE

- o To provide an alternative choice of living in the Region for persons, who by choice, prefer living in a rural setting.

#### POLICIES

It is the policy of Council:

MODIFICATION  
NO. 7  
UNDER SECTION 17(9) OF  
THE PLANNING ACT 1993

- 3.3.2.1 That Rural Residential Estate Development may only be considered in those areas which are appropriately designated in the respective Area Municipal Official Plan.
- 3.3.2.2 That Rural Residential Estate Development must be sufficiently physically separated from urban and rural settlement areas and located so that no additional demand for the extension of existing services will result.
- 3.3.2.3 That Rural Residential Estate Development shall be considered by plan of subdivision on the basis of individual services, with a lot arrangement that will not result in creation of strip development along an existing public road.
- 3.3.2.4 That Rural Residential Estate Development generally shall not be considered in Agricultural and Specialty Crop Areas or on lands forming part of a viable farm and shall not be permitted on land which is subject to flooding or other hazardous conditions; land which is unsuitable for private sewage systems; or, where an adequate supply of potable water is not available.

DEFERRED #3  
UNDER SECTION 17(10)  
OF THE PLANNING ACT

Rural Residential Estate Development may be permitted by amendment to the Area Municipal Official Plan on large pockets of poorer quality land within agricultural and specialty crop areas, provided it can be demonstrated that such development will not adversely affect the agricultural operations in the area. In this regard, the Area Municipal Official Plan shall specify suitable criteria to assure protection of agricultural operations.



3.3.2.5 That Rural Residential Estate Development may be considered only in areas characterized by one or more of the following:

- (a) Varied landscape;
- (b) Treed areas having sufficient open area for the required dwellings, septic tank tile fields, and roadways on streets.
- (c) Other physical characteristics attractive to and complementing Rural Residential Estate Development.

3.3.2.6 That the design of Rural Residential Estate development shall respect the environmentally significant and sensitive characteristics of the site and adjacent area. Major disturbances to slopes and environmentally significant land forms and features by means of grading or other site alternations will not be permitted.

Such development will only be permitted where it can be demonstrated that environmentally sensitive areas, conservation areas, open space areas, areas with recreational features, mineral aggregate resource areas, commercially viable wood lots, hazard lands or recognized archaeological or historical sites will not be adversely affected.

3.3.2.7 That an environmental impact statement in accordance with Subsection 5.3 of this Plan shall be submitted in conjunction with a proposal for Rural Residential Estate Development if proposed in an Environmentally Sensitive Area. Where such a proposal is located near or directly affects agricultural lands, the Impact Statement shall include an assessment of the impact of the proposal on these lands.

A site plan shall be submitted for all proposals for Rural Residential Estate Development. In its consideration of a site plan, the area municipality should have regard for the location of building envelopes, tile bed fields, private wells and natural vegetation to be retained.

3.3.2.8 That Rural Residential Estate Development must be compatible with surrounding uses.





3.3.2.9 That proposals for Rural Residential Estate Development should be directed to those areas which:

- (a) Are provided with school bus service;
- (b) Do not create any adverse effect on traffic movements on main roads;
- (c) Are not adjacent to or near roads which are extensively used by heavy vehicles; and
- (d) Are adequately removed from other incompatible land uses including, but not limited to, existing and abandoned solid waste disposal sites, major transportation facilities, heavy industries, agricultural operations, sewage treatment plants, and ~~active pit and quarry operations~~, such that possible adverse environmental effects, such as noise, vibration, odour, gas, particulates, etc., are not experienced.

\*MODIFICATION

NO. 8  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

3.3.2.10 That where municipal roads are directly affected by Rural Residential Estate Development, appropriate road standards shall be established in the Area Municipal Official Plan.

### 3.3.3 RURAL MOBILE HOME DEVELOPMENT

#### OBJECTIVE

- o To provide an alternative choice of living accommodation in the Region.

#### POLICIES

It is the policy of Council:

- 3.3.3.1 To require that each mobile home development is in compliance with the respective Area Municipal Official Plan.
- 3.3.3.2 To require that proposed mobile home development be permitted only:
  - (a) If it is authorized by an appropriate Zoning By-law.
  - (b) By a plan of subdivision.



(c) Subject to relevant Area Municipal policies regarding this type of development.

(d) If it is not located in Agricultural and Specialty Crop Areas.

3.3.3.3 To consider mobile home development on the basis of requirements of the Ministry of Environment and the Local Health Unit, and all other relevant policies contained in this Plan.

### 3.3.4 RURAL LAND SEVERANCES

Provision for the severance of lands in the Rural Policy Areas is included in Section 6 of this Plan.

## 3.4 RURAL ECONOMIC DEVELOPMENT

### OBJECTIVE

- o To promote an orderly development of the Rural Policy Area while protecting and preserving the important features and rural character.

### 3.4.1 GENERAL POLICIES

It is the policy of Council that:

3.4.1.1 In co-operation with the Area Municipalities, to encourage the senior levels of government to develop policies and programs which will improve the economic viability of the farming industry.

3.4.1.2 To consider in the Rural Policy Area only commercial and industrial uses which are directly related to and serve the agricultural community or utilize the natural resources of the rural area. ~~Such uses may locate within the Rural Policy Area but shall be directed away from prime agricultural land and, where practical, directed to locate within designated Rural Settlements or in designated Rural Industrial-Business Parks in accordance with Section 3.4.2. Such uses shall be situated and developed so as to minimize negative effects on surrounding uses.~~

MODIFICATION

NO. 9  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983



- 3.4.1.3 To direct appropriate new business wishing to develop within the Rural Policy Areas to locate outside of the prime agricultural and specialty crop areas or in designated Rural Settlements or Rural Industrial Business Parks in a manner in keeping with the physical capability of the terrain and consistent with the policies of this Plan and the Area Municipal Official Plans.
- 3.4.1.4 Area Municipal Official Plans may contain policies which recognize and regulate industrial or commercial uses existing at the date of adoption of this Plan. If included in Area Municipal Official Plans, such policies must contain provisions to minimize negative impacts on the surrounding areas by such uses. In cases where it can be demonstrated that relocation of the use to a more appropriate location is not practical, Area Municipal Official Plans may allow for and address the appropriateness and degree of expansion of such industrial or commercial uses.

### 3.4.2 RURAL INDUSTRIAL-BUSINESS PARKS

- MODIFICATION \_\_\_\_\_ 3.4.1.2] That the development of a limited number of dry Industrial-Business Parks in the Rural Policy Area, may be considered by designation in the Area Municipal Official Plan if need is demonstrated. Rural Industrial-Business Parks shall be restricted to sites which are highly accessible and which by reason of size, situation or other physical characteristics are poorly suited to agriculture.
- NO. 10  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983
- 3.4.2.2 That the development of a Rural Industrial-Business Park shall not proceed until the boundaries and permitted uses are specifically recognized in the Area Municipal Official Plan and until appropriate policies including standards and regulations for the development of the Industrial-Business Park which minimize the adverse effects on surrounding uses and which are consistent with the policies of this Plan have been adopted in a secondary plan endorsed by the Region.





ITEM NO. 2- SECTION 6 - LAND SEVERANCES

Replace Section 6 with the following including relocation of Map #5 from Section 6 to Appendix 3 of the Plan.

## 6 GENERAL POLICIES

It is intended that the Regional Severance Policies as set out in this section shall be implemented on behalf of the municipalities by the Regional Land Division Committee.

It is the policy of Regional Council that severances within the Region shall be given consideration only if the applicant demonstrates that his application for consent is in conformity with the following policies:

It is the policy of Council that:

6.1.1 In considering consents, regard shall be had to the prevailing policies of Regional Council such as, but not limited to, approved Settlement Capability Studies. No consent shall be permitted unless the application complies with the policies of the Regional Official Plan, Area Municipal Official Plan, and the requirements of the Planning Act. Prior to the endorsement of the deed by the Secretary of the Land Division Committee, the consent must conform with the appropriate zoning by-law.

6.1.2 Generally, extensions to linear or ribbon development along roadways shall be prohibited. Exceptions may be considered where an extension will be minor in nature (creating no more than two lots) and is limited by man-made or natural physical constraints such as, but not limited to, hydro corridors and watercourse valleys.

6.1.3 Access to Provincial Highways and Regional Roads must conform with access requirements of the Provincial Ministry of Transportation and Communications and the Regional Access By-law.

6.1.4 The long term septic disposal capability of soils is to be considered in determining the appropriateness of development and lot sizes created by severance. Lot size requirements will be based upon the following provisions:

MODIFICATION  
NO. 12  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

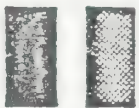


MODIFICATION  
NO. 20  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983



LEGEND

PRIME AGRICULTURAL LANDS  
(Canada Land Inventory Soil Classes 1, 2, 3 & 4)  
EXAMPLE OF SPECIALTY CROP AREAS  
(Tender Fruit Belts)



PARKWAY BELT  
WEST POLICY AREAS  
NIAGARA ESCARPMENT PLAN  
AREA \* (Within Rural Policies Area)



\*For Detail See Niagara Escarpment Plan, Map 2

AGRICULTURAL LANDS

Planning and Development Department  
Hamilton-Wentworth Region






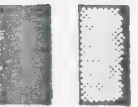
MODIFICATION  
NO. 20  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983



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# LEGEND

**PRIME AGRICULTURAL LANDS**  
(Canada Land Inventory Soil Classes 1, 2, 3 & 4)  
**EXAMPLE**  **SPECIALTY CROP AREAS**  
(Tender Freil Soils)



## AGRICULTURAL LANDS





MODIFICATION  
NO. 21  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1933



LEGEND

ESCARPMENT NATURAL AREA

ESCARPMENT PROTECTION AREA

ESCARPMENT RURAL AREA



NIAGARA ESCARPMENT  
PLAN AREAS\*

IN THE RURAL POLICY AREAS  
OF HAMILTON-WENTWORTH

Planning and Development Department  
Hamilton-Wentworth Region

\* For Detail See Niagara Escarpment Plan, Map 2



- a) Where soils have a "T" time (percolation rate) between 1 and 50 minutes per centimeter, a minimum lot size of .2 hectares (approximately 1/2 acre) is required. Where soils have a "T" time (percolation rate) less than one minute or greater than 50 minutes per centimeter, a minimum lot size of .405 hectares (approximately one acre) is required.
- b) Increase in the minimum lot size requirements may be required where adverse soil conditions, extreme slope, or poor surface drainage conditions exist necessitating the provision of a sufficient area to accommodate a replacement septic disposal system on site.
- c) Where a detailed settlement capability study has been undertaken and approved by Regional Council, it may form the basis of a variance from the above generalized lot size requirements without amendment to this Plan..
- d) A lot size proposed that does not meet the minimum lot sizes stipulated in 6.1.4(a) must be supported by a soils engineer report including relevant hydrogeological information undertaken at the expense of the applicant determining that the lot size is appropriate under the specific circumstances.

The Regional Health Services Department is to be responsible for implementation of the provisions of Policy 6.1.4 requirements. At its discretion the Health Services Department may require on-site testing to determine appropriate lot size.

- 6.1.5 The owner must prove to the appropriate authority that a sufficient potable ground water supply is available for the intended use of the land prior to the endorsement of the deed by the Secretary of the Land Division Committee.
- 6.1.6 Consent to sever will not be permitted in areas identified as environmentally sensitive if there is a hazardous condition or if the proposed use would detrimentally affect the environmental characteristics of the land. All consents for such lands will be conditional upon the applicant submitting an acceptable Environmental Impact Statement to the Region for its consideration.





- 6.1.7 Consents within the Regional Floodplain and areas which have hazardous conditions as specified in subsection 5.4 of the Plan, shall be prohibited except when required to allow the undertaking of a necessary public work for flood or erosion control or for watercourse protection or the conservation of land.
- 6.1.8 Consent for a severance shall be discouraged in woodlots.
- 6.1.9 Consent for a severance shall be prohibited in areas which are covered by an agreement with the Ministry of Natural Resources.
- 6.1.10 Consent for severance shall be prohibited in forests which include wood suitable for lumber production.
- 6.1.11 Consents within the mineral aggregated resource areas shown on Map No. 2 must comply with Policy 3.2.2.3 of this Plan.
- 6.1.12 Consent to sever will be subject to the recommendations of the Ministry of Natural Resources and/or the Ministry of the Environment in areas adjacent to existing or proposed mineral aggregate extraction operations.
- 6.1.13 Consents for severance in Lakeshore Policy "A" (Map No.3) shall conform with the provisions of Section 5.1 of this Plan.

## 6.2 RURAL POLICY AREAS

### 6.2.1 GENERAL POLICIES

It is the policy of Council that:

Severances within the Rural Policy Areas as identified on Map No. 1 in this Plan will be given consideration only if the applicant demonstrates that his application for consent is in conformity with the following policies:

- 6.2.1.1 Consents for non-farm uses and supporting or ancillary agricultural uses in the Rural Policy Area must comply with Section 3 of the Plan.



- 6.2.1.2 Consent for a severance must comply with the distance requirements of the Agricultural Code of Practice and be sufficiently separated from nearby incompatible land uses to minimize adverse environmental effects.
- 6.2.1.3 A consent shall not be permitted where it extends any Rural Settlement beyond the limits established in Area Municipal Official Plans and implementing secondary plans.
- 6.2.1.4 No portion of a dwelling or tile bed on a lot to be created is to be permitted within a distance of 60 metres (approximately 200 ft.) from any stream, natural watercourse or pond, or 15 metres (approximately 50 ft.) from a Regional Floodline, whichever is the greater distance. Alternatively, an appropriate distance may be established by the appropriate Conservation Authority, and the Regional Health Services Department.

## MODIFICATION

NO. 13  
 UNDER SECTION 17(9) OF  
 THE PLANNING ACT, 1983

## 6.2.2 RURAL AREA POLICIES

It is the policy of Council that:

- 6.2.2.1 Any parcel severed in the rural area shall:
- (a) Be located on the least productive portion of the applicant's land holding, where possible;
  - (b) Have appropriate frontage on a public road; and
  - (c) Not interfere with the efficient agricultural operation of remaining lands and adjacent lands.
- 6.2.2.2 On prime agricultural lands in relation to a viable farm operation, the size of the parcel severed shall be limited to the requirements of the intended use and generally shall not be larger than the lot size requirements of Policy 6.1.4.
- 6.2.2.3 No severance shall prejudice the viability of a farm unit.

## MODIFICATION

NO. 14  
 UNDER SECTION 17(9) OF  
 THE PLANNING ACT, 1983

- 6.2.2.4 Consent to provide a lot for farm help shall be prohibited. Farm residences for farm help may be permitted through appropriate ~~zoning regulations~~ without the necessity for a severance, if suitable justification is provided by the applicant.





6.2.2.5 No severance shall be permitted which creates an infilling situation under the provisions of this Plan.

6.2.2.6 A consent may be considered if it is necessary for the consolidation of productive agricultural holdings by the acquisition of abutting lands for the purposes of increasing the size of, or establishing a viable farming operation.

## MODIFICATION

NO. 16  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

6.2.2.7 Consents for residential purposes in accordance with other policies of the Plan may be considered from viable farming operations provided that:

- (a) The applicant has owned, resided on and actively farmed the property for the last 10 years;
- (b) The remaining property, or for the retiring farmer, the conveyed property is a viable farming operation and not less than 18 hectares (approximately 45 Ac.) in size, unless the farm operation is of a specialized nature and is considered viable under Policy 15.2.12 of this Plan.

MODIFICATION

NO. 17  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

## MODIFICATION

NO. 15  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

6.2.2.8 Consents considered under Policy 6.2.2.7 shall be limited to one of the following:

*deferred*  
*#4*

- (a) One retirement lot for a bona fide farmer so long as the farmer retains a residential lot with the existing farm dwelling and continues to live therein and conveys the remaining lands; or the farmer retains a residential lot to build a retirement dwelling for himself, and conveys the farm including the existing farm dwelling.
- (b) One lot to a child of a bona fide farmer so long as the child's assistance is essential to the farming operation as his or her principal activity, and no severance has been granted from the land within the last 10 years.

However, the applicant is encouraged to construct a second residence on the farm in accordance with regulations rather than severing a lot, in order to retain the land and the residence as an asset of the existing farm operation.



MODIFICATION  
NO. 15  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1983

- 6.2.2.9 In addition to Policy 6.2.2.8, and subject to Policy 6.2.2.7, a severance may be considered for a surplus farmhouse created as a result of a farm consolidation under Policy 6.2.2.6, provided that no severances have been granted from the lands consolidated to the farm within the last three years, and the location of the proposed severance does not interfere with the farm operation.
- 6.2.2.10 Lands in areas having soil Classes 5 and 6, 7 and 0, as defined in the Canada Land Inventory, which are not part of a viable farming operation shall only be considered for a residential consent if the applicant:
  1. has a property of at least 18 hectares (approximately 45 Ac.),
  2. has owned the property for at least 10 years,
  3. has had no consents granted from the land within the last 10 years,
  4. conforms with the other policies of this Plan.
- 6.2.2.11 In addition to Policies 6.2.2.8, 6.2.2.9, and 6.2.2.10, a consent to sever a property for one residential dwelling, on an infilling basis may be considered so long as:
  - (a) Such consent is not prohibited in an Area Municipal Official Plan;
  - (b) The land fronts on a public roadway;
  - (c) The land is situated between two existing residential dwellings fronting on the same side of the road which are not more than 60 metres (approximately 200 feet) apart, provided that such existing dwellings are not located on or form part of an existing farming operation;
  - (d) The land is situated within linear development of three or more existing non-farm residential dwellings grouped on the same side of a public roadway, and
  - (e) The application conforms with the other policies of this Plan.



MODIFICATION  
NO. 15  
UNDER SECTION 17(9) OF  
THE PLANNING ACT, 1933

- 6.2.2.12 In addition to Policies 6.2.2.8, 6.2.2.9, and 6.2.2.10, a consent for a residential lot may be considered if the total existing property is not greater than 0.8 hectares (approximately 2 Ac.) in size and contains more than one residential dwelling.
- 6.2.2.13 In addition to Policy 6.2.2.8, 6.2.2.9, and 6.2.2.10, a consent(s) for a residential lot or lots to a maximum of three (3) lots per development, may be considered on a limited basis provided that:
- (a) the land is not suitable for agricultural use;
  - (b) the relevant land severance policies of this Plan, namely, the General Policies (Section 6) and the Rural Policy Areas (Sections 6.2.1. and 6.2.2), are satisfied;
  - (c) the appropriate Area Municipal Official Plan establishes locational criteria regarding this alternative rural residential development; and,
  - (d) a site specific amendment to the appropriate Area Municipal Official Plan is required to permit each rural residential development and to establish specific policies to guide the development of the subject rural residential proposal.
- 6.2.2.14 Additional provisions as deemed necessary and appropriate by an Area Municipality may be required so long as such provisions are not contrary to the other provisions of this Plan or its intent.

DEFERRED #5  
UNDER SECTION 17(10)  
OF THE PLANNING ACT

### 6.2.3 RURAL SETTLEMENT POLICIES

It is the policy of Council that:

Consents within the Rural Settlements will be given consideration only if the applicant demonstrates that his application for consent is warranted and in conformity with the following policies;

- (a) Consents within the limits of designated Rural Settlements must comply with the provisions of the Policies of Section 3.3.1 of this Plan;
- (b) No consent shall prejudice planned orderly development; and,
- (c) The consent must conform with the other policies of this PLAN.





## 6.3 URBAN POLICY AREAS

It is the policy of Council that:

Severances within the Urban Policy Areas will be given consideration only if the applicant demonstrates that his or her application for a consent is warranted and in conformity with Policy 6.1.1 to 6.1.13 inclusive, and the following policies:

- 6.3.1 Consents for severance shall be discouraged for any land which does not have full municipal services.
- 6.3.2 Consents for severance shall not expand the Urban Area beyond that which is designated in the Regional and Area Municipal Official Plans.
- 6.3.3 No consent shall prejudice planned orderly development.

ITEM NO. 3 - POLICY 7.2.1.1

Revise Policy 7.2.1.1 as follows:

- 7.2.1.1. To prevent the creation of smaller farm units unless it can be established that the smaller farm units in question are capable of providing sufficient income to support a full-time farmer and his or her family.

ITEM NO. 4 - POLICY 15.2.10

Revise Policy 15.2.10 as follows:

- 15.2.10 Areas where a combination of special soils, climate and other factors exist that provide desirable conditions for the production of tender fruits and other specialty crops such as vegetables.

ITEM NO. 5 - NEW POLICY 15.2.15

Introduce new Policy 15.2.15 as follows:

## 15.2.15 CONSENTS







## ACCOPRESS®

25071	-	BLACK / NOIR	-	BG2507
25072	-	BLUE / BLEU	-	BU2507
25078	-	RED / ROUGE	-	BF2507
25075	-	GREEN / VERT	-	BP2507
25074	-	GREY / GRIS	-	BD2507
25073	-	R. BLUE / BLEU R.	-	BB2507
25079	-	X. RED / ROUGE X.	-	BX2507
25070	-	YELLOW / JAUNE	-	BY2507
25077	-	TANGERINE	-	BA2507

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